

EXHIBIT 2

1 UNITED STATES DISTRICT COURT

2 CENTRAL DISTRICT OF CALIFORNIA

3 NIRVANA L.L.C., Washington)

4 Limited Liability Company,) Case No.

5 Plaintiff,) 2:18-cv-10743

6 vs.) JAK-SK

7 MARC JACOBS INTERNATIONAL)

8 L.L.C., a Delaware Limited)

9 Liability Company; SAKS)

10 INCORPORATED, d/b/a SAKS)

11 FIFTH AVENUE, a Tennessee)

12 Corporation; NEIMAN MARCUS)

13 GROUP LIMITED, L.L.C. a)

14 Delaware Limited Liability)

15 Company; and Does 1 through)

16 10,)

17 Defendants.)

18 **REVISED**

19 DEPOSITION OF KRIST A. NOVOSELIC

20 TAKEN ON

21 TUESDAY, SEPTEMBER 10, 2019

22 Reported by:

23 BRENDA R. COUNTZ, RPR-CRR

24 CSR NO. 12563

25 Job No. 167662

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10 Deposition of KRIST A. NOVOSELIC taken
11 at the law firm of Kelley Drye & Warren LLP,
12 10100 Santa Monica Boulevard, 23rd Floor, Los
13 Angeles, California 90067, on Tuesday, September
14 10, 2019, before Brenda R. Countz, CSR No. 12563.
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1 APPEARANCES OF COUNSEL:

2 FOR THE PLAINTIFF:

3 RIMON

4 BY: MARK LEE, ESQ.

5 JILL BERLINER, ESQ.

6 2029 Century Park East

7 Los Angeles, California 90067

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13 FOR THE DEFENDANTS MARC JACOBS INTERNATIONAL LLC,
14 SAKS INCORPORATED, d/b/a SAKS FIFTH AVENUE and
15 NEIMAN MARCUS GROUP LIMITED, LLC:

16 KELLEY DRYE & WARREN

17 BY: MICHAEL ZINNA, ESQ.

18 GEOFFREY CASTELLO, ESQ.

19 One Jefferson Road

20 Parsippany, New Jersey 07054

I N D E X

WITNESS	EXAMINATION BY	PAGE
KRIST A. NOVOSELIC	MR. ZINNA	6

E X H I B I T S

NO.	DESCRIPTION	PAGE
Exhibit 12	Notice of Deposition of Krist Novoselic	9

REFERENCED EXHIBITS

EXHIBIT	PAGE	LINE
2	10	12
7	13	12
5	36	20
6	36	21
8	40	22
9	40	22
10	40	23

1 LOS ANGELES, CA - TUESDAY, SEPTEMBER 10, 2019

2 2:05 P.M.

3
4 KRIST A. NOVOSELIC,

5 having been first duly sworn, was

6 examined and testified as follows:

7
8 EXAMINATION

9 BY MR. ZINNA:

10 Q. Good afternoon.

02:05:20PM

11 A. Good afternoon.

12 Q. I'm Mike Zinna. I represent Marc
13 Jacobs, Neiman Marcus and Saks Incorporated.

14 Could you state your name for the
15 record, please?

02:05:34PM

16 A. My Name is Krist Anthony Novoselic.

17 Q. I'm sure I'm going to butcher that and
18 I apologize for doing so.

19 A. Novoselic.

20 Q. Novoselic.

02:05:42PM

21 A. I'm a son of an itch.

22 Q. There you go.

23 Have you ever been deposed before?

24 A. Yes.

25 Q. More than once?

02:05:49PM

1 Q. And do you remember when this T-shirt
2 was created?

3 A. No.

4 Q. Okay. Moving to the graphics on the
5 front page of this T-shirt. 02:40:41PM

6 Can you describe the graphics
7 underneath the word "Nirvana" for me, please?

8 A. Okay. The graphic is a smiley face
9 that's maybe a little too happy.

10 Q. Does it have X eyes? 02:41:09PM

11 A. Yes.

12 Q. So if I call it the X-eye smiley face,
13 will you know what I'm referring to?

14 A. Yes.

15 Q. Do you know who came up with the idea 02:41:23PM
16 for this X-eye smiley face?

17 A. No.

18 Q. Was it you?

19 A. No.

20 Q. Do you know if it could have been 02:41:34PM
21 Mr. Grohl?

22 A. I don't know.

23 Q. Do you know if it could have been
24 Mr. Cobain?

25 A. I don't remember. 02:41:47PM

1 Q. Do you know who you would speak to to
2 get an answer to that question?

3 A. I would speak to Allen Draher.

4 Q. Do you know if it would have been
5 someone who Nirvana, Inc. would have hired to 02:42:16PM
6 create artwork?

7 A. I don't know.

8 Q. And do you know if it was created by
9 someone who was an employee of Sub Pop Records?

10 A. I don't know. 02:42:40PM

11 Q. And do you know if it was created by
12 someone who is an employee of the David Geffen
13 Company?

14 A. I don't know.

15 Q. Was there a specific reason that the 02:42:50PM
16 X-eye smiley face was originally created?

17 A. We needed to make it look like that old
18 T-shirt. And then this image had been around and
19 that's all I could really remember. It didn't
20 seem like it was a new idea. 02:43:23PM

21 Q. Do you remember where it was first
22 drawn for use by Nirvana?

23 A. There was a record release party in
24 Seattle and I can't recall the date. As far as I
25 know, that's my first recollection. 02:43:51PM

1 The witness will then have 30 days to read, sign
2 and correct it. We then will send the corrected
3 manuscript to Mr. Zinna.

4 And we would like a copy.

5 MR. ZINNA: Agreed. Thanks to all. 03:30:26PM

6 (Whereupon, the deposition was
7 concluded at 3:30 o'clock p.m.)
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DECLARATION

I hereby declare I am the deponent in the within matter; that I have read the foregoing deposition and know the contents thereof, and I declare that the same is true of my knowledge, except as to the matters which are therein stated upon my information or belief, and as to those matters, I believe it to be true.

I declare under the penalties of perjury of the State of California that the foregoing is true and correct.

Executed on the _____ day of _____, 2019, at _____, California.

W I T N E S S

1 STATE OF CALIFORNIA) SS
2 COUNTY OF LOS ANGELES)


3 I, BRENDA R. COUNTZ, Certified Shorthand
4 Reporter No. 12563 for the State of California,
5 do hereby certify:

6 That prior to being examined, the
7 witness named in the foregoing deposition was
8 duly sworn to testify the truth, the whole truth,
9 and nothing but the truth;

10 That said deposition was taken down by
11 me in shorthand at the time and place therein
12 named and thereafter transcribed and that the
13 same is a true, correct, and complete transcript
14 of said proceedings.

15 Before completion of the deposition,
16 review of the transcript [] was [] was not
17 requested. If requested, any changes made by the
18 deponent during the period allowed are appended
19 hereto.

20 I further certify that I am not
21 interested in the outcome of the action.
22 Witness my hand this 20th day of September, 2019.

23 
24

25 Brenda R. Countz, CSR No. 12563

ERRATA SHEET

Case Name:

Deposition Date:

Deponent:

Pg.	No.	Now Reads	Should Read	Reason
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Signature of Deponent

SUBSCRIBED AND SWORN BEFORE ME

THIS ____ DAY OF _____, 2019.

(Notary Public) MY COMMISSION EXPIRES: _____